

IN THE SUPREME COURT OF THE STATE OF DELAWARE

SPENCER NIXON,	§	
	§	No. 418, 2006
Respondent Below-	§	
Appellant,	§	
	§	Court Below—Family Court
v.	§	of the State of Delaware
	§	in and for New Castle County
MARY DIXON,	§	File No. CN05-04438
	§	Petition Nos. 05-26477
Petitioner Below-	§	06-01192
Appellee.	§	06-07088

Submitted: August 14, 2006

Decided: August 29, 2006

Before **STEELE**, Chief Justice, **HOLLAND** and **RIDGELY**, Justices

ORDER

This 29th day of August 2006, upon consideration of the appellant's untimely notice of appeal, the notice to show cause issued by the Clerk, and the appellant's response thereto, it appears that the appellant's failure to timely file his notice of appeal is not attributable to court-related personnel.¹

¹*Bey v. State*, 402 A.2d 362, 363 (Del. 1979). In his response to the notice to show cause, the appellant states that he did not timely file his notice of appeal because he waited to see if his son's visitation with his mother would be successful.

NOW, THEREFORE, IT IS ORDERED, pursuant to Supreme Court Rules 6 and 29(b), that the within appeal is DISMISSED.

BY THE COURT:

/s/ Myron T. Steele
Chief Justice